IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 34284 of 2006(F)

PETITIONER:

K. CHOYIKUTTY, AGED 55 YEARS,
S/O. RARICHAN, KETTACHALIL HOUSE,
P.O.PYEMBRA, KUNNAMANGALAM (VIA) KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS:
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1. THE DIRECTOR OF PANCHAYAT,
PANCHAYAT DIRECTORATE, THIRUVANANTHAPURAM.

2. THE PANCHAYATH DEPUTY DIRECTOR
DIRECTORATE, KOZHIKODE DISTRICT.

3. THE SECRETARY, KUNNAMANGALAM GRAMA
PANCHAYAT, KOZHIKODE DISTRICT.

4. STATE OF KERALA, REPRESENTED BY
SECRETARY TO LOCAL SELF GOVERNMNET
DEPARTMENT, SECRETARIAT, TRIVANDRUM.

R1,2 & 4 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 34284 OF 2006 F
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Dated this the 16th January, 2007

J U D G M E N T

The petitioner is a retired Peon. He was working in the 3rd respondent-Grama Panchayat till the date of his attaining the age of superannuation on 30-10-2006. While in service he had filed an application to grant him higher grade as a Full-time Sweeper taking into account the relevant period of service, in terms of Government Orders dated 21-6-1980 and 6-11-1992. It appears that the application was forwarded by the Deputy Director of Panchayats to the higher authorities. Ext. P4 shows that the Government have taken up the matter and action is being pursued. The last communication on this point was in March, 2006. Thereafter, nothing is heard by the petitioner. He has therefore approached this Court.

2. Counsel for the petitioner submits that Ext. P6 is a judgment of this Court granting similar benefits to another last grade employee who was working in Wadakkancherry Grama Panchayat in Palakkad District.

3. Govt. Pleader, on instruction, submits that

delay in passing orders as stated in Ext. P4 is due to the non-availability of concurrence from the Finance Department. The matter is under the consideration of the Finance Department.

4. Having heard counsel for the petitioner and the Govt. Pleader for the respondents, I feel that a time limit shall be fixed for taking final decision by the Government on the request made by the petitioner.

5. In the circumstances, the writ petition is disposed of directing the 4th respondent to take appropriate decision in the light of relevant materials and communicate the order to the petitioner within two months from the date of receipt of a copy of the judgment. Whatever monetary benefits found due to the petitioner based on the decision of the Government, shall be made available to him within two months thereafter. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 4th respondent for due compliance.

K.K. DENESAN
JUDGE

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